

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

THANG DUC NGUYEN, Derivatively on
Behalf of Nominal Defendant 3D SYSTEMS
CORPORATION,

Plaintiff,

v.

VYOMESH I. JOSHI, TODD A. BOOTH,
JEFFREY A. GRAVES, WAYNE PENSKY,
JAGTAR NARULA, MALISSIA R.
CLINTON, WILLIAM E. CURRAN,
THOMAS W. ERICKSON, CHARLES W.
HULL, WILLIAM D. HUMES, JIM D.
KEVER, CHARLES G. MCCLURE, JR.,
KEVIN S. MOORE, VASANT
PADMANABHAN, JOHN J. TRACY, and
JEFFREY WADSWORTH,

Defendants,

and

3D SYSTEMS CORPORATION,

Nominal Defendant.

Case No. 1:21-cv-3389-NGG

GEZA BOHUS, Derivatively on Behalf of
Nominal Defendant 3D SYSTEMS
CORPORATION,

Plaintiff,

v.

VYOMESH I. JOSHI, TODD A. BOOTH,
JEFFREY A. GRAVES, WAYNE PENSKY,
JAGTAR NARULA, MALISSIA R.
CLINTON, WILLIAM E. CURRAN,
THOMAS W. ERICKSON, CHARLES W.
HULL, WILLIAM D. HUMES, JIM D.
KEVER, CHARLES G. MCCLURE, JR.,
KEVIN S. MOORE, VASANT
PADMANABHAN, JOHN J. TRACY, and
JEFFREY WADSWORTH,

Defendants,

and

3D SYSTEMS CORPORATION,

Nominal Defendant.

Case No. 1:22-cv-2203-CBA

**STIPULATION AND ORDER CONSOLIDATING CASES,
APPOINTING CO-LEAD COUNSEL AND RELATED MATTERS**

WHEREAS, on June 15, 2021 and April 18, 2022, stockholders Thang Duc Nguyen and Geza Bohus, respectively, filed verified shareholder derivative complaints in this Court (the “Actions”) against defendants Vyomesh I. Joshi, Todd A. Booth, Jeffrey A. Graves, Wayne Pensky, Jagtar Narula, Malissia R. Clinton, William E. Curran, Thomas W. Erickson, Charles W. Hull, William D. Humes, Jim D. Kever, Charles G. McClure, Jr., Kevin S. Moore, Vasant Padmanabhan, John J. Tracy, and Jeffrey Wadsworth (the “Individual Defendants”) and 3D Systems Corporation (“3D Systems” or “Nominal Defendant,” and together with the Individual Defendants, “Defendants”);

WHEREAS, plaintiffs in the Actions (“Plaintiffs”) agree that the Actions contain nearly identical factual and legal contentions, and the administration of justice would be best served by consolidating the Actions and appointing Co-Lead Counsel as set forth herein;

WHEREAS, on August 27, 2021, the Court granted a motion to stay the *Nguyen* Action (“Order to Stay”) by docket entry;

WHEREAS, without waiving any rights, arguments, or defenses, Defendants agree the Actions should be consolidated and take no position regarding appointment of Co-Lead Counsel;

WHEREAS, this stipulation is not a waiver of any of the parties’ rights, remedies, claims, or defenses.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, and upon approval and entry by the Court shall be ORDERED, as follows:

1. The Order to Stay entered in the *Nguyen* Action is temporarily lifted for the limited and exclusive purpose of filing this stipulation and the Court entering a ruling thereon. Upon consolidation of the Actions and appointment of Co-Lead Counsel for Plaintiffs, the parties agree that the Consolidated Action (as defined below) shall remain stayed under the same terms as set forth in the Court’s Order to Stay in the *Nguyen* Action.

2. Defendants agree that, pursuant to Fed. R. Civ. P. 4, their counsel shall be deemed to have waived service of the complaint on their behalf in the *Bohus* Action as of the date of this Stipulation, but expressly reserve all of their defenses to the claims asserted by Plaintiffs.

3. The Actions are hereby consolidated for all purposes, including pretrial proceedings, trial, and appeal and are referred to herein as the “Consolidated Action.” Every pleading filed in the Consolidated Action or in any separate action included herein, shall bear the following caption:

IN RE 3D SYSTEMS CORPORATION
STOCKHOLDER DERIVATIVE
LITIGATION

Master File No.: 1:21-cv-3389-NGG

THIS DOCUMENT RELATES TO:

4. The files of the Consolidated Action will be maintained in one file under Master File No.: 1:21-cv-3389-NGG.

5. When a document being filed pertains to all of the actions included within the Consolidated Action, the phrase “All Actions” shall appear immediately after the phrase “This Document Relates To:”. When a pleading applies only to some, but not all, of the actions included within the Consolidated Action, the document shall list, immediately after the phrase “This Document Relates To:”, the docket number for each individual action to which the document applies, along with the last name of the first listed plaintiff in said action (*e.g.*, Case No. 1:21-cv-3389-NGG (“Nguyen”)).

6. The following law firms are designated Co-Lead Counsel for Plaintiffs in the Consolidated Action:

Glancy Prongay & Murray LLP
745 Fifth Avenue
New York, NY 10151
Telephone: (212) 935-7400

Hynes & Hernandez, LLC
101 Lindenwood Drive, Suite 225
Malvern, PA 19355
Telephone: (484) 875-3116

7. Defendants take no position on the appointment of lead counsel for Plaintiffs.

8. Co-Lead Counsel shall represent Plaintiffs in the prosecution of the Consolidated Action, determine and present to the Court and opposing parties the position of Plaintiffs on all matters arising during pretrial negotiations, delegate and monitor the work performed by Plaintiffs’ attorneys to ensure that there is no duplication of effort or unnecessary expense, coordinate on behalf of the Plaintiffs the initiation and conduct of discovery proceedings, have the authority to

negotiate matters with Defendants' counsel, and perform such other duties as may be incidental to the proper coordination of Plaintiffs' pretrial activities or authorized by further order of the Court. Defendants' counsel may rely on all agreements made with either of Co-Lead Counsel, or other duly authorized representative of Co-Lead Counsel, and such agreements shall be binding on all Plaintiffs.

9. This Stipulation and Order shall apply to each action arising out of the same transactions and occurrences and asserting direct and/or derivative state law claims filed in this Court or transferred here, and Co-Lead Counsel shall assist the Court by calling to the attention of the Court the filing or transfer of any such action, and Co-Lead Counsel shall assure that counsel therein receive notice of this Stipulation and Order. Unless otherwise ordered, the terms of all orders, rulings, and decisions in the Consolidated Action shall apply to all later shareholder derivative actions instituted herein.

IN WITNESS WHEREOF, the parties, through their undersigned counsel, have executed this Stipulation and Order as of this 20th day of May, 2022.

Respectfully submitted,

GLANCY PRONGAY & MURRAY LLP

/s/ Benjamin I. Sachs-Michaels
Matthew M. Houston
Benjamin I. Sachs-Michaels
712 Fifth Avenue
New York, New York 10019
Telephone: (212) 935-7400
E-mail: bsachsmichaels@glancylaw.com

Attorneys for Plaintiff Thang Duc Nguyen

HYNES & HERNANDEZ, LLC

/s/ Michael J. Hynes
Michael J. Hynes
Ligaya T. Hernandez
101 Lindenwood Drive, Suite 225
Malvern, PA 19355
Telephone: (484) 875-3116
E-mail: mhynes@hh-lawfirm.com

BRAGAR EAGEL & SQUIRE, P.C.

Melissa A. Fortunato
810 Seventh Avenue, Suite 620
New York, NY 10019
Telephone: (646) 860-9450
E-mail: Fortunato@bespc.com

Attorneys for Plaintiff Geza Bohus

ALSTON & BIRD

/s/ John A. Jordak, Jr.
John A. Jordak, Jr.
Elizabeth Gingold Clark
Timothy J. Fitzmaurice
90 Park Avenue
15th Floor
New York, New York 10016
Telephone: (212) 905-9868
Emails: john.jordak@alston.com
elizabeth.clark@alston.com
tim.fitzmaurice@alston.com

Attorneys for Nominal Defendant 3D Systems Corporation and Defendants Vyomesh I. Joshi, Todd A. Booth, Jeffrey A. Graves, Wayne Pensky, Jagtar Narula, Malissia R. Clinton, William E. Curran, Thomas W. Erickson, Charles W. Hull, William D. Humes, Jim D. Kever, Charles G. McClure, Jr., Kevin S. Moore, Vasant Padmanabhan, John J. Tracy, and Jeffrey Wadsworth

DATED: June 16, 2022

Taryn A. Merkl

HON. TARYN A. MERKL, U.S.M.J.